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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,373	12/09/2003	Chellappa Balan	132814-1/YOD GERD:0067	4420
41838 7590 01/30/2008 GENERAL ELECTRIC COMPANY (PCPI) C/O FLETCHER YODER P. O. BOX 692289 HOUSTON, TX 77269-2289			EXAMINER WALKER, KEITH D	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 01/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/731,373

Applicant(s)

BALAN, CHELLAPPA

Examiner

Keith Walker

Art Unit

1795

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4-10,13-17 and 19.
Claim(s) withdrawn from consideration: 20-35.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented are not persuasive. Applicant states, "Farooque teaches combining isolated or separated hydrogen with steam for recirculation. It is this recombination with steam that claim 1 specifically excludes." First, claim 1 does not in any manner exclude recombination. Second, as admitted by applicant, Farooque does teach the limitation presented in claim 1, "assembly to separate hydrogen from the anode exhaust stream, the separation unit comprising a moisture separator to separate water from the anode exhaust stream; and a recycle stream in which at least a portion of the anode exhaust stream is recycled back to the anode inlet after separation of hydrogen, carbon monoxide, carbon dioxide, unreacted fuel and water." As clearly stated in the rejection and again stated in the complete response to arguments of 11/14/07, Farooque is silent to the use of a water condenser with the anode exhaust but clearly teaches recovering water from the cathode side. Nakamura teaches using a water condenser for either the anode or cathode exhaust and does so to create a high efficiency fuel cell system. Therefore, combining the teachings of Nakamura with the Farooque is very obvious and clearly supports a prima facie case of obviousness. Applicant argues, "the Examiner would have a water vapor removal device place downstream of the turbo compressor of Farooque." It is unclear where applicant came to this conclusion since this was never stated by the Examiner in the rejection. Therefore, this argument is not persuasive since support or evidence for this statement has not been presented and it appears to be applicant's opinion.

Applicant appears to argue that Ukai in view of Take and Nakamura do not teach the claimed invention. However, as stated in the previous Response to Arguments of 11/14/07, applicant has argued each of the references individually by explaining what element of the claimed invention the references do not teach. The rejection of the instant claims are based on the combined teachings of the three references. For example, Ukai is silent to a recycle stream but Take does teach a recycling stream with a separating unit for the anode exhaust. Using such a system allow for the reduction in energy loss and thus an improved efficiency for the fuel cell system ([0045]). Applicant argues the teachings of Nakamura to remove water vapor from the exhaust stream does not teach a recycle stream. As stated above, this feature is already taught by Take. Furthermore, a water condensing system is also taught by Ukai and Nakamura illustrates this feature is well-known in the art and means for utilizing the collected water.

Applicant's arguments are not persuasive and therefore the instant claims are still obvious over the cited prior art for the reasons of record.